

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC., PRODUCTS LIABILITY
LITIGATION

MDL No. 2419

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO -9)

On February 12, 2013, the Panel transferred 4 civil action(s) to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* __ F.Supp.2d __ (J.P.M.L. 2013). Since that time, 131 additional action(s) have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable F. Dennis Saylor.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saylor.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. §1407 to the District of Massachusetts for the reasons stated in the order of February 12, 2013, and, with the consent of that court, assigned to the Honorable F. Dennis Saylor.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

EXHIBIT H

**IN RE: NEW ENGLAND COMPOUNDING
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SCHEDULE CTO-9 – TAG-ALONG ACTIONS

<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>CASE CAPTION</u>
TENNESSEE MIDDLE			
TNM	3	13-00323	Skelton, et al v. New England Compounding Pharmacy, Inc.
VIRGINIA WESTERN			
VAW	7	13-00146	McFarlane v. Insight Health Corp. et al
VAW	7	13-00147	Bradley v. Insight Health Corp. et al
VAW	7	13-00148	Harris v. Insight Health Corp. et al
VAW	7	13-00149	Smith v. Insight Health Corp. et al
VAW	7	13-00150	Whitlow v. Insight Health Corp. et al
VAW	7	13-00151	Filson v. Insight Health Corp. et al
VAW	7	13-00152	Kalinoski v. Insight Health Corp. et al
VAW	7	13-00153	Smith v. Insight Health Corp. et al
VAW	7	13-00154	Epperly v. Insight Health Corp. et al
VAW	7	13-00155	Foutz et al v. Insight Health Corp. et al
VAW	7	13-00156	Brown v. Insight Health Corp. et al
VAW	7	13-00157	Bender v. Insight Health Corp. et al
VAW	7	13-00158	Shuck v. Insight Health Corp. et al
VAW	7	13-00159	White v. Insight Health Corp. et al
VAW	7	13-00160	Johnston v. Alaunus Pharmaceutical, LLC et al
VAW	7	13-00161	Wertz v. Alaunus Pharmaceutical, LLP et al
VAW	7	13-00162	Baker v. Alaunus Pharmaceutical, LLP et al
VAW	7	13-00163	Courtney v. Insight Health Corp. et al
VAW	7	13-00164	Holbrook v. Insight Health Corp. et al